

Inventors: Reed and Sato
Serial No.: 09/757,041
Filed: January 9, 2001
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C3 b. detecting the altered association of said CAP-1
with said second molecule, wherein said altered association
identifies an effective agent.

REMARKS

Claims 13-34 are pending in the application. Claims 16-18, 22, 26, 27, and 31-33 have been withdrawn from consideration and claims 13-15, 19-21, 23-25, 28-30 and 34 are currently under examination. Claims 13-18, and 20-33 have been cancelled herein. Claims 19 and 34 have been amended. Support for the amendments can be found throughout the specification and claims as filed. In particular, claims 19 and 34 have been re-written in independent form and, therefore, support for the amendment to claim 19 can be found in claims 13 and 19 as originally filed, and support for the amendment to claim 34 can be found in claims 28 and 34 as originally filed. The amendment to the specification merely indicates priority claimed to the parent application and reflects the status of the parent application.

Accordingly, these amendments do not raise an issue of new matter and entry thereof is respectfully requested. A marked up version of the amended claims is provided in Appendix A attached hereto.

Applicants have carefully reviewed the Office Action and respectfully traverse all grounds of objection and rejection to the application for the reasons that follow.

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Rejection Under 35 U.S.C. § 112, First Paragraph

The objection to the specification and rejection of claims 23 and 24 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description is respectfully traversed. Applicants contend that the specification provides sufficient written description for a method of identifying an effective agent that alters the association of a CAP with a second molecule in a yeast cell or a mammalian cell. Nevertheless, because claims 23 and 24 have been cancelled herein, the rejection of claims 23 and 24 under 35 U.S.C. § 112, first paragraph, is rendered moot. Accordingly, Applicants respectfully request that this rejection be removed.

Rejection Under 35 U.S.C. § 102(b)

The objection to the specification and rejection of claims 13-15, 20-21, 25, and 28-30 under 35 U.S.C. § 102(b), as allegedly anticipated by Noelle et al. (Proc. Natl. Acad. Sci. USA 89:6550-6554 (1992)) as evidenced by Foy et al. (J. Exp. Med. 178:1567-1575 (1993)) is respectfully traversed. Applicants contend that the claimed invention is novel over the cited references. Nevertheless, because claims 13-15, 20-21, 25, and 28-30, have been cancelled herein, the rejection of claims 13-15, 20-21, 25, and 28-30 under 35 U.S.C. § 102(b) is rendered moot. Accordingly, Applicants respectfully request that this rejection be removed.

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Objections to the Specification and Claims

The Examiner indicated that the specification on page 1 should be amended to reflect priority claimed to the parent application and also to reflect the status of the parent application. The specification has been amended herein to incorporate priority information and the status of the parent application. Accordingly, Applicants respectfully request that this objection to the specification be removed.

The Office Action indicates that claims 19 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Claims 19 and 34 have been amended herein accordingly. Therefore, Applicants respectfully request that this objection to claims 19 and 34 be removed.

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CONCLUSION

In light of the Amendments and Remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to contact the undersigned agent or Cathryn Campbell with any questions related to this application.

Respectfully submitted,

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Date

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Appendix A

19. (Amended) A method of identifying an effective agent that alters the association of [a CAP] CAP-1 with a second molecule, comprising the steps of:

a. contacting [the CAP] CAP-1 with the second molecule under suitable conditions, which allow said [CAP] CAP-1 and said second molecule to bind with an agent suspected of being able to alter the association of said [CAP] CAP-1 with said second molecule; and

b. detecting the altered association of said [CAP] CAP-1 with said second molecule, wherein said altered association identifies an effective agent.

34. (Amended) A method for identifying an effective agent that alters the association of [a CAP] CAP-1 with a second molecule in a test sample, comprising the steps of:

a. contacting the test sample with an agent suspected of being able to alter the association of [the CAP] CAP-1 with the second molecule; and

b. detecting the altered association of said [CAP] CAP-1 with said second molecule, wherein said altered association identifies an effective agent.